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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOTTOLA, STEVEN J

ART UNIT	PAPER NUMBER
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2817

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

090,887

Applicant(s)

White, Kooker

Examiner

MOTTOLA

Group Art Unit

2817

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 8, 10-47 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1 - 8, 11-18, 22-40, 42-47 is/are allowed.
- ☒ Claim(s) 19-21, 41 is/are rejected.
- ☒ Claim(s) 10 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The disclosure is objected to because of the following informalities: Claim 4, line 1, lacks antecedent basis for "said electrical line characteristics"; by way of suggestion it appears this claim should depend from either claim 2 or claim 3. Claim 9 is missing and claim 10 depends from the missing claim. Figure 3 shows the data flowing from the controller to the sensors when it should show the controller receiving data from the sensors. In claim 20, "voltage divider" would better read --power divider--.

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 19-21 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevic et al.

Refer to fig.4 and col. 6, line 34 to col. 7, line 45. Col. 7, lines 44-45 state that the gain adjusters G1-G4 may be replaced by a single adjuster prior to the input divider 94 and this is the embodiment that would best read on the claims. Then the input to such a single gain adjuster would be read as the input port of claim 19, the gain adjuster itself would be functionally equivalent to the claimed variable amplifier. Sevic et al. only define this element in broad terms as a gain adjuster; for instance at col. 6, line 63 that it supplies gain/attenuation--but this would include components that are well known in the art to provide variable gain or attenuation such as variable amplifiers or attenuators. A plurality of power amplifiers F1-F4 are provided between the outputs and inputs of dividers and combiners that may be read as the "ports" claimed. A gain control logic 118 senses the output level and adjusts the gain adjuster accordingly; controller 118 may be read as the claimed controller of claim 19. The output level depends on how many of the amplifiers are activated; this is functionally equivalent to the claimed "occupancy" since no function other than amplification is ascribed to the amplifiers. In regard to claim 20, the dividers 94,98 and 102 may be read as the claimed divider (remember that the gain controller is a single one connected before the divider 94 in this reading). In regard to claim 21, since the controller 118 senses the output, it must inherently include a sensor. Claim 41 is read on the reference in a

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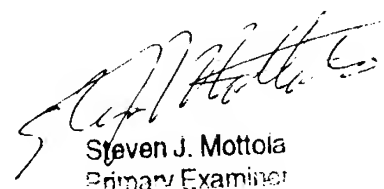
manner analogous to claim 19, with the power amplifiers F1-F4 connected between divider/combiner outputs/inputs that may be read as the step of providing ports and the controller 118 sensing the output which determines the number of amplifiers activated which is functionally equivalent to the step of determining the occupancy and the gain adjuster performing a function equivalent to the claimed step of amplifying an input, its level being varied by the controller.

Claims 1-8, 11-18, 22-40 and 42-47 are allowed as the prior art of record fails to show selectively routing an output signal to output lines based on the presence of a given number of power amplifiers and/or the electrical characteristics of the output lines. Ferguson, Katz and Stedman et al. all show adjusting the output impedance of a plural channel amplifier to compensate for the number of amplifiers active; however, in all cases the combined output signal is not selectively routed as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Mottola whose telephone number is 703-308-4914. The examiner can normally be reached on M-Th from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Pascal, can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6251.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Steven J. Mottola
Primary Examiner